

REMARKS

Claims 1,8-11, 15, 17-40 are pending. Claims 8-11, 15 and 19 are withdrawn. Claims 2-7, 12-14, 16 and 41 are canceled.

Support for the “selecting “ amendment to claim 1 is found in page 8, line 4 of the as-filed application. Support for the “twisting“ amendment to claim 1 is found in page 5, lines 20-21 and page 6, lines 6-7 of the as-filed application. Support for the “mushroom shape“ amendment to claim 1 is found in FIG. 4, and page 4, line 16 of the as-filed application.

Claims 1, 17, 18 and 41 are rejected under 35 USC § 103(a) as being unpatentable over Gan (U.S. Patent 5,964,807) in view of Bilbo (U.S. 2007/0250177) and Li (U.S. 6,764,514).

Applicants respectfully submit that as-amended claim 1 is patentably distinguishable over the cited art.

None of the cited references discloses inserting the repair material in a twisting manner during insertion to form a mushroom shape.

Moreover, each of the portions of Bilbo and Li cited by the Examiner teach away from the present invention, in that each teaches first folding the repair material and then inserting the folded material into the defect. In particular, Bilbo teaches that “(the repair material) may also be implanted flat rolled or folded for tissue bulking and augmentation.” See Bilbo at [0043]. Similarly, Li at col. 4, lines 40-50 teaches the following:

More particularly, implant 5 is constructed so that it may be rolled, such as in the manner shown in FIGS. 2 and 3, so as to resemble a cigar, whereby to allow for easy insertion into a cavity via a small opening. Alternatively, implant 5 may be curled or folded, e.g., in the manner of a bellows, such as is shown in FIG. 4, whereby to allow for easy insertion into a cavity through a small opening. Or implant 5 may be both rolled and curled or folded, such as is shown in FIG. 5, so as to allow for easy insertion into a cavity through a small opening. [0043] Once rolled, curled and/or folded, implant 5 may be inserted into a delivery cannula 100, such as is shown in FIG. 6. If desired, implant 5 may be inserted into delivery cannula 100 at the time of use; alternatively, implant 5 may be inserted into delivery cannula 100 during manufacture.

In summary, since none of the cited references discloses inserting the repair material in a twisting manner during insertion to form a mushroom shape, and each of the portions of Bilbo and Li cited by the Examiner teach away from the present invention (in that each teaches first folding the repair material and then inserting the folded material into the defect), the present rejection should be withdrawn.

Claims 1, 17,18,23-31 and 41 are rejected under 35 USC § 103(a) as being unpatentable over Gan (U.S. Patent 5,964,807), in view of Bilbo (U.S. 2007/0250177), Li (U.S. 6,764,514), and Lim (WO 03/51239).

The deficiencies of Gan, Bilbo and Li are discussed above. Lim does not cure these deficiencies. Lim has been cited only for its disclosure of GDF-5. Therefore, none of the cited references, alone or in combination, disclose, teach or suggest the present invention.

For these reasons, the present rejection should be withdrawn.

Claims 1, 17, 18, 20-22 and 41 are rejected under 35 USC § 103(a) as being unpatentable over Gan (U.S. Patent 5,964,807), in view of Bilbo (U.S. 2007/0250177), Li (U.S. 6,764,514), and Moehlenbruck (U.S. Patent 6,723,335).

The deficiencies of Gan, Bilbo and Li are discussed above. Moehlenbruck does not cure these deficiencies. Moehlenbruck has been cited only for its disclosure of autologous bone marrow. Therefore, none of the cited references, alone or in combination, disclose, teach or suggest the present invention.

For these reasons, the present rejection should be withdrawn.

Claims 1, 17, 18, 20-22 and 41 are rejected under 35 USC § 103(a) as being unpatentable over Gan (U.S. Patent 5,964,807), in view of Bilbo (U.S. 2007/0250177), Li (U.S. 6,764,514), Lim (WO03/51239) and Moehlenbruck (U.S. Patent 6,723,335).

The deficiencies of Gan, Bilbo and Li are discussed above. Lim does not cure these deficiencies. Lim has been cited only for its disclosure of GDF-5. Moehlenbruck does not cure

these deficiencies. Moehlenbruck has been cited only for its disclosure of autologous bone marrow. Therefore, none of the cited references, alone or in combination, disclose, teach or suggest the present invention.

For these reasons, the present rejection should be withdrawn.

In addition, please provide any additional extensions of time which may be necessary and charge any fees, such as for presentation of extra claims, which may be due to Deposit Account No. 10-0750, but do not include any payment of issue fees. Should there be any remaining or further questions, the Examiner is requested to contact the undersigned directly.

Respectfully submitted,

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